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Smart & Biggar P.O.Box 2999, Station D 900-55 Metcalfe Street Ottawa, ON K1P 5Y6 CANADA				
EXAMINER				
HEIDER, SHANTELL LAKETA				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

portfolio prosecution@rim.com  
us.mail@smart-biggar.ca

# Office Action Summary

## Application No.

10/787,300

## Applicant(s)

RAO ET AL.

## Examiner

SHANTELL HEIBER

## Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4/26/10.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 12-14, 16 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 12-14, 16 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/27/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-506)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date \_\_\_\_\_
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-4, 6-8, 12-14, 16 and 19-24 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 6-8, 12-14, 16, and 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Noel et al. (Noel), U.S. Publication No. 2005/0032539 in view of Silvestri, U.S. Patent No. 6,721,573.

**Regarding Claims 1, 12 and 21-24**, Noel discloses a method, a user device, a network, a system and a memory of messaging during an active half-duplex session between a plurality of user devices capable of half-duplex voice functionality **(PTT calls use a half-duplex communications system and therefore, only one person can have the ability to speak at a time; [0004])**, the method, the user device, the network, a system and a memory comprising:

a first user device **(requesting call participant)** of said plurality of user devices while in a receiving in half-duplex (RHD) mode for an active half-duplex session **(the**

**call begins when the call originator presses the appropriate button, e.g., a PTT button, on a wireless phone and begins speaking),** transmitting a transmit channel request message (TCRM) to a network, the TCRM indicating a request from the user device to transmit on the transmit channel **(as the call progresses, a participant may want to speak while another participant is currently speaking. The participant wanting to speak sends a request (TCRM) to speak, also see paragraph [0002]);**

the network forwarding the TCRM to a second user device **(the PTT server sends a message to the current speaker that one of the call participants wants to interrupt the call)** of said plurality of user devices while the second user device is in a transmitting in half-duplex (THD) mode for the active half-duplex session;

the second user device receiving the TCRM **(the PTT server sends a message to the current speaker that one of the call participants wants to interrupt the call). See paragraphs [0023]-[0025].**

Noel fails to disclose the TCRM including an identification of the first user device; the TCRM including a qualifier flag at least when the TCRM is forwarded to the second user device; the second user device performing extended functionality in response to a value of the qualifier flag, wherein the extended functionality comprises *at least one* functionality selected from the group consisting of:

- a) registering a continuing transmit channel request at the THD device;
- b) canceling a transmit channel request at the THD device; and
- c) performing automatic release of the transmit channel by the THD device.

In a similar field of endeavor, Silvestri discloses a method and apparatus for providing dispatch services in a cordless telephone communication system. Silvestri further discloses the TCRM (i.e., **CC Setup Req Message**; see Col. 5, line 65-Col. 6, line 6) including an identification (i.e., **group identifier and PP identifier for each member**; see Col. 6, lines 6-18) of the first user device (i.e., **originating PP 101**); the TCRM including a qualifier flag (i.e., **traffic bearer selected including radio channel map with time slots**; see Col. 6, lines 35-55) at least when the TCRM is forwarded to the second device (i.e., **FP 105**); the second device performing extended functionality (see Col. 6, lines 56-63) in response to a value (i.e., **radio channel map with time slots**; see Col. 6, lines 35-55) of the qualifier flag, wherein the extended functionality comprises *at least one* functionality selected from the group consisting of:

- a) registering a continuing transmit channel request at the THD device;
- b) canceling a transmit channel request at the THD device; and
- c) performing automatic release of the transmit channel by the device (i.e., the

**FP 105 reserves the traffic bearer identified and authorizes the PP 101 to transmit on the reserved traffic bearer**; see Col. 6, lines 56-63 and Col. 7, lines 53-67).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings as described by Noel with the teachings described by Silvestri to arrive at the claimed invention for providing dispatch type services allowing for group communications with multiple portable units.

**Regarding Claims 2 and 13**, Noel and Silvestri disclose wherein each user device of the plurality of user devices is a wireless device **(Noel-the mobile device 110 is shown in Figure 1 as a wireless phone; [0019])**.

**Regarding Claims 3 and 12**, Noel and Silvestri disclose further comprising the first user device locally receiving a request to transmit the TCRM **(Noel-the call participant presses an interrupt button on mobile device 110; [0025])**.

**Regarding Claims 6 and 12**, Noel and Silvestri disclose further comprising: the second user device in response to receiving the TCRM generating a user-detectable notification indicating the second user device has received the TCRM. **Noel-[0025]**.

**Regarding Claim 7**, Noel and Silvestri disclose further comprising: the second user device generating user-detectable notification indicative of the identification of the first user device **(see rejections for claim 6)**.

**Regarding Claim 8**, Noel and Silvestri disclose further comprising: the network, upon receiving the TCRM from the first user device, determining a talk group the first user device is participating in, determining another user device in the talk group that is in THD mode, which another user device is said second user device **(see rejection for claim 1)**.

**Regarding Claim 14**, Noel and Silvestri disclose wherein the active half-duplex session is a push-to-talk.TM **(the mobile device has a push to talk button)** half-duplex voice communication session. **Noel-[0004] and [0022]**.

**Regarding Claim 16**, Noel and Silvestri disclose wherein the outgoing TCRM comprises an identification of the user device. **(Silvestri-see Col. 6, lines 6-18)**

**Regarding Claim 20**, Noel and Silvestri disclose wherein the request for the performance of extended functionality indicated by the TCRM comprises at least one functionality selected from the group consisting of: a) registering a continuing transmit channel request at the THD device; b) canceling a previously received transmit channel request at the THD device; and c) performing automatic release of the transmit channel by the THD device. **(Silvestri-see Col. 6, lines 35-63)**

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noel and Silvestri in view of Stubbs, U.S. Patent No. 6,930,994.

**Regarding Claim 4**, Noel and Silvestri disclose wherein the half-duplex session is a voice communication session as described above.

Noel and Silvestri fail to disclose wherein the half-duplex session is a voice communication session compliant with at least one system selected from the group of iDEN.TM., 1XRTT CDMA, GSM/GPRS, UMTS, and TDMA.

In a similar field of endeavor, Stubbs discloses a dynamic allocation of radio resources in a packet switched communications system. Stubbs further discloses wherein the half-duplex session is a voice communication session compliant with at least one system selected from the group of iDEN.TM., 1XRTT CDMA, GSM/GPRS **(i.e., GSM-type mobile communications system using a General Packet Radio Service (GPRS) data link)**, UMTS, and TDMA **(Abstract)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings as described by Noel and Silvestri with the teachings described by Stubbs to arrive at the claimed invention for providing a half-

duplex video conferencing call between two parties or in a dispatch mode between groups of call participants wherein operable in both a GPRS virtual connection mode and a conventional circuit-switched mode.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Metais et al., U.S. Patent No. 7,136,663 discloses a method for controlling a communications channel shared by several stations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Heiber whose telephone number is (571)272-0886. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edouard Patrick can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business



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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. H./  
Examiner, Art Unit 2617  
July 16, 2010

/Patrick N. Edouard/  
Supervisory Patent Examiner, Art Unit 2617